

Order

Michigan Supreme Court
Lansing, Michigan

April 8, 2016

Robert P. Young, Jr.,
Chief Justice

152413

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

JOHN HOLETON and PAULINE HOLETON,
Plaintiffs-Appellants,

v

SC: 152413
COA: 321501
Wayne CC: 14-000104-CZ

CITY OF LIVONIA, LAURA M. TOY,
MAUREEN MILLER BROSNAN, JOHN R.
PASTOR, BRANDON M. KRITZMAN,
JAMES C. McCANN, JOE LAURA, and
THOMAS A. ROBINSON,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the July 21, 2015 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE Part V of the judgment of the Court of Appeals, and we REMAND this case to that court. On remand, while retaining jurisdiction, the Court of Appeals shall remand this case to the Wayne Circuit Court for further proceedings to determine whether the defendants were prejudiced by the plaintiffs' delay in bringing their action. At the conclusion of those proceedings, the circuit court shall forward the record and its findings to the Court of Appeals, which shall then reconsider its decision that the plaintiffs' claims for injunctive and declaratory relief were barred by the equitable doctrine of laches. See *Lothian v City of Detroit*, 414 Mich 160, 168 (1982).

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 8, 2016


Clerk